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Bangladesh: Information on the impact of the May 2003 High Court ruling allowing some Bihari citizenship on the Bihari community in Bangladesh; whether all Biharis are "stranded"; whether Biharis with Bangladeshi passports are citizens of Bangladesh or whether they are stateless; whether ethnic bharis who are citizens of Bangladesh are treated differently by government and society than stateless Biharis (2003-March 2005)

Research Directorate, Immigration and Refugee Board, Ottawa

In May 2003, a landmark ruling by the Bangladeshi High Court allowed 10 Biharis (also called "stranded Pakistanis") living in the Geneva Camp in Dhaka to obtain Bangladeshi citizenship and voting rights after they had petitioned to vote in the 2001 elections (IPS 27 May 2003; USCR 16 June 2003; Refugees International 12 Nov. 2003; see also *ibid.* 2004). The ten Biharis had argued that all Biharis born in Bangladesh since 1947 should be granted Bangladeshi citizenship (USCR 2004). The May 2003 court ruling created hope among the Bihari population, particularly among the younger generation born in Bangladesh (PPI 28 May 2003; Refugees International 12 Nov. 2003; see also USCR 16 June 2003). Legal experts and lawyers representing the 10 Biharis allegedly stated that the ruling would help other Biharis obtain Bangladeshi citizenship (*ibid.*; see also USCR 2004). However, the government appealed the ruling and by the end of 2003, the case was still pending (USCR 2004). No information on the outcome of the appeal could be found among the sources consulted by the Research Directorate, but in a 13 December 2004 report, Refugees International wrote that Biharis who wish to live as Bangladeshi citizens see "no other way" than to marry local Bangladeshis.

Sources continue to report on the ongoing plight of the Biharis living in Bangladesh (Refugees International 13 Dec. 2004; *Country Reports* 2004 28 Feb. 2005; *The New Nation* 3 Mar. 2005; *Pakistan Observer* 27 Jan. 2005). In fact, according to the Washington-based NGO Refugees International, "[i]n 2004 the already desperate living conditions of the stateless Biharis in Bangladesh have continued to worsen. This year alone, they have lost their government-subsidized food aid, and many families have lost their homes to tornado, fire, and eviction" (13 Dec. 2004). This information appears to be corroborated by the Bangladeshi daily *The New Nation* in a 3 March 2005 article stating that the plight of the Biharis "worsens each day." Although stateless, the Biharis are not recognized as refugees by the United Nations, the International Red Cross or Crescent Society (*The New Nation* 3 Mar. 2005). In January 2005, a Pakistani daily reported on the arrest by India of 45 Biharis who had crossed to India from Bangladesh attempting to reach Pakistan (*Pakistan Observer* 27 Jan. 2005). The article added that, according to Pakistani sources, these Biharis were risking their lives to cross over to Pakistan because they were "ruthlessly denied food and shelter in the ill-maintained camps" in Bangladesh (*ibid.*).

Information on whether Biharis with Bangladeshi passports are citizens of Bangladesh, or whether ethnic Biharis who are citizens of Bangladesh are treated differently could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

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#### Additional Sources Consulted

**Oral sources:** One oral source consulted did not provide information within the time constraints of this Response.

**Internet sites, including:** Amnesty International, Freedom House, Global Policy Forum, Human Rights Watch, Unrepresented Nations and Peoples Organization (UNPO).

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